

AS INTRODUCED IN LOK SABHA

Bill No. 356 of 2019

THE HOLY CITY OF DEOGHAR (PRESERVATION OF CULTURAL
HERITAGE) BILL, 2019

By

DR. NISHIKANT DUBEY, M.P.

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BILL

for the declaration of the city of Deoghar as the oldest living city of utmost national importance and to provide for the conservation, preservation and maintenance of culutral and natural heritage, heritage of Deoghar and for matters connected therewith or incidental thereto.

WHEREAS the ancient city of Deoghar is one of the oldest living cities in the world and the cradle of Indian civilisation.

AND WHEREAS the ancient city of Deoghar is abounded by thousands of ancient temples and other places of worship which play an important role in the social and cultural fabric of the city.

AND WHEREAS it is considered necessary to take appropriate legal, scientific, technical,

administrative and financial measures necessary for the identification, protection, conservation, preservation and rehabilitation of cultural and natural heritage of the ancient city of Deoghar.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement. **1.** (1) This Act may be called the Holy City of Deoghar (Preservation of Cultural Heritage) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. 5

Definitions. **2.** (1) In this Act, unless the context otherwise requires,—

(a) "appointed date" means such date, as may be notified by the State Government;

(b) "construction" means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally including any reconstruction, repair and renovation of an existing structure or building, or, construction of roadways or waterways, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public, or the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for other similar facilities for public; 10 15

(c) "heritage site" means a cultural heritage site, a natural heritage site, a mixed cultural and natural heritage site or a cultural landscape of outstanding value;

(d) "Deoghar" means the area of Deoghar district in the State of Jharkhand;

(e) "large scale project" means an activity, which concerns construction or reconstruction estimated to cost not less than rupees twenty crores; 20

(f) "notification" means a notification published in the Official Gazette and the word "notify" shall be construed accordingly; and

(g) "State Government" means the Government of the State of Jharkhand.

Explanation.—For the purposes of this clause,— 25

(h) "cultural heritage site" shall include,—

(a) monuments, that is to say, architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features which are of outstanding value from the point of view of history, art or science; 30

(b) buildings, that is to say, separate or connected buildings which, because of their architecture, homogeneity or place in the landscape, are of outstanding value from the historical, aesthetic, ethnological or anthropological point of view;

(c) sites, that is to say, works of man including industrial or railway heritage or the combined works of nature and man and areas including archaeological sites which are of outstanding value from the historical, aesthetic, ethnological or anthropological point of view; and 35

(d) places of religious worship, that is to say, structures more than hundred years old or more, where devotees offer prayers; 40

(ii) "natural heritage site" shall include,—

(a) natural sites or precisely delineated natural areas which are of outstanding value from the point of view of science, conservation or natural beauty;

5 (b) geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants and are of outstanding value from the point of view of science or conservation;

10 (c) natural features consisting of physical and biological formations or groups of such formations, which are of outstanding value from the aesthetic or scientific point of view;

(iii) "mixed cultural and natural heritage site" shall include properties which satisfy a part of the attributes of both cultural heritage site and natural heritage site;

15 (iv) "cultural landscape" includes cultural properties representing the combined works of man and the nature and illustrative of the evolution of human society and settlement over a time, under the influence of the physical constraints and opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal;

20 (v) "outstanding value", in relation to a heritage site, means its cultural or natural significance which is so exceptional as to transcend the boundaries of the place in which it is located and is of great importance for the present and future generations of the country;

3. The Central Government shall, by notification, Deoghar declare Deoghar as the 'oldest living city of utmost national importance', keeping in view the unique stature and importance of Deoghar. Declaration of Deoghar as the oldest living city of national importance.

25 **4. The Central Government shall Institute a Committee *inter alia* comprising of archaeological experts and scholars for the purpose of identification, conservation and preservation of heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes of outstanding value in Deoghar, in such manner as may be prescribed.** Constitution of Committee for preservation of heritage sites.

30 **5. (1)** The Central Government shall maintain a heritage sites roster for Deoghar and make it available on its website for public viewing in such manner as may be prescribed. Maintenance of a roster of heritage sites.

(2) The Central Government may, keeping in view the national importance of any of the heritage sites, notify such heritage sites and enter the description of such sites in the heritage sites roster in such manner as may be prescribed.

35 **6. (1)** All large scale projects and construction, started after the notification of this Act or ongoing at the time of its enactment, shall be stopped with immediate effect pending an evaluation published at an appointed date of their impact on heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes by the Committee constituted under section 4. Measures to prevent damage to heritage sites.

40 (2) The State Government shall take all measures, including but not limited to shutting down of polluting industries, revocation of government licenses and stoppage of large scale projects detrimental to conservation, preservation and upkeep of heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes.

45 **7.** The local authority shall make all efforts to identify, rebuild and rehabilitate heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes that have been harmed due to large scale projects and construction works undertaken before enactment of this Act. Rebuilding and rehabilitation of heritage sites.

Central Govt.
to provide
funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament or the Legislative Assembly and the Legislative Council, as the case may be, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both House agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 5 10

STATEMENT OF OBJECTS AND REASONS

Deoghar, which falls under *Santhal Pargana* region, is an unique and extremely revered site of one of the fifty-one *Shaktipeeths* and also of the *Dwadash Jyotirlinga* in the country. This is a religious and cultural capital of Eastern India which catapults the holy place to an International acclaim and is visited by over five crore pilgrims every year.

The proposed Bill puts forward the demand of lakhs of people of Deoghar as well as crores of other who stand for conservation of our cultural heritage and see Deoghar as the holiest of the earth's cities. Hence, this Bill proposes the proclamation of Deoghar as the 'oldest living city of utmost national importance', the conservation and preservation of a wide array of tangible and intangible heritage and the stopping of haphazard development projects. The Bill provides that the Central Government shall constitute a Committee, without any delay, to identify, enumerate and preserve Deoghar's shared cultural heritage.

Hence this Bill.

NEW DELHI;
October 25, 2019.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of a committee of archaeological experts and scholars for the purpose identification, conservation and preservation of heritage sites, natural sites, etc. Clause 8 of the Bill makes it obligatory for the Central Government to provide requisite fund for carrying out the purposes of this Act. The expenditure to be incurred depends upon number of heritage sites to be identified for the purpose of conservation and maintenance. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible at this stage to estimate the actual financial expenditure that is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matter of detail only, the delegation of legislative powers is of a normal character.

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